interpretation of a destination device profile to convert coordinates in a destination device color space to the device-independent color space, in combination with generation of a color map based on the converted coordinates and user preferences that are specified by a user independently of the source and destination device profiles. As examples of user preferences, dependent claims 26 and 27 recite illuminant functions and observer functions, respectively.

Applicants respectfully submit that the Examiner has misinterpreted the scope and content of the McGreggor et al. reference relative to the requirements of the claimed invention. In formulating the rejection, the Examiner incorrectly relied in large part on the features of FIG. 14 of McGreggor et al. FIG. 14 has nothing to do with the generation of a color map between a source device and a destination device. In particular, FIG. 14 does not pertain to the interpretation of source and destination device profiles, or the generation of color maps. Rather, FIG. 14 depicts a "transfer mode" architecture.

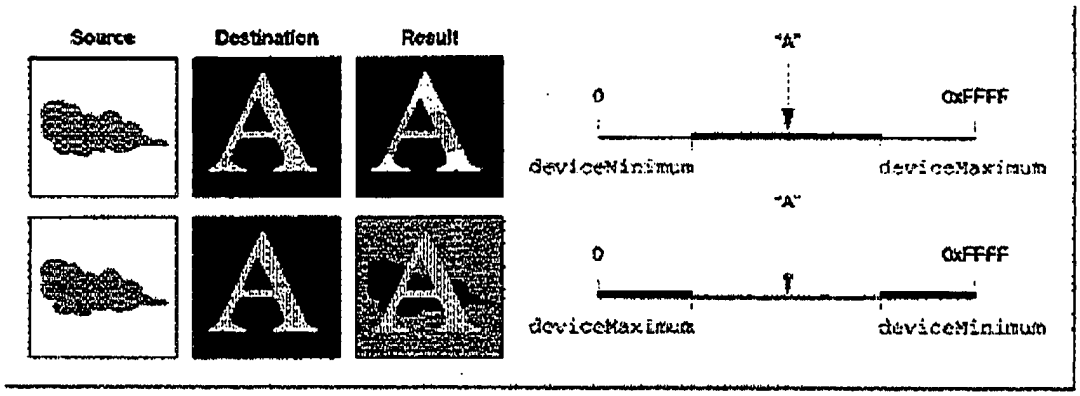
The transfer mode architecture described by McGreggor et al. is completely unrelated to the color mapping features recited in Applicants' claims. Indeed, the description of FIG. 14 in McGreggor et al. falls under the heading "III. Color Combining," unlike FIG. 15 which falls under the heading "IV. Color Matching." See Col. 13, line 65 and Col. 18, line 40. According to McGreggor et al., the term "transfer mode" refers to a process for combining colors in an image. For example, McGreggor et al. states that:

> In the preferred system, color combinations are carried out in a recursive transfer mode, where an input color is transferred over a destination color, to generate a new destination color . . . Transfer modes specify how the color drawn interacts with the background color.

Col. 13, line 67, to Col. 14, line 3. McGreggor et al. describes a number of alternative transfer modes such as a "copyMode," in which the "source component replaces the destination component," an "addMode," in which the "source component is added to the destination component, but does not allow the result to exceed some maximum," a "blendMode," in which the "destination component is replaced by the average of the source component and destination component, using the operand component to specify the ratio," and many other transfer modes.

Essentially, a transfer mode concerns the drawing of color from a source object onto a destination object to form a new destination object or "result," that combines both colors. The

following diagram, taken from Apple Computer Quicktime documentation[1], should aid in visualization of the effects of a typical transfer mode operation in which a "Source" object is combined with a "Destination" object to form a composite "Result."



Consistent with the above diagram, McGreggor et al. explains that:

> the [disclosed] system is provided with more than one input source colors [sic], and the operator operates on a combination of the input source colors. The input source colors may have the same or different color spaces. This also provides the ability to perform transfer operations in which a source color is combined with a destination color to generate a new destination color. ***This corresponds to taking an image already being displayed on the screen and overwriting it with a new image***, in a manner which does not completely destroy the data specifying the original image.

(emphasis added) Col. 2, lines 34-44.

Hence, it is clear that the "transfer mode" features of FIG. 14 of McGreggor et al. is of no relevance to the color map requirements of Applicants' claims. Rather, it appears that the Examiner may have been confused by the mention of "source" and "destination" components in FIG. 14, and presumed some relationship to source and destination profiles, as set forth in the claims. Upon recognition of the true scope and content of FIG. 14 of McGreggor et al., it will be apparent that the rejections under section 103 are improper and should be withdrawn.

The Examiner's reliance on FIG. 15 of McGreggor et al. is also misplaced. FIG. 15, unlike FIG. 14, actually relates to color matching and the use of source and destination device profiles. However, FIG. 15 suggests nothing more than the conventional and ordinary usage of such profiles in forming a color map. For example, FIG. 15 and the accompanying description in

[1] http://developer.apple.com/techpubs/quicktime/qtdevdocs/REF/refVectors.27.htm#pgfId=9030.

McGreggor et al. provide no teaching that would have suggested generation of a color map based on the converted coordinates and user preferences that are specified by a user independently of the source and destination device profiles, as set forth in the claims. Therefore, FIG. 15 adds no teachings sufficient to cure the deficiencies apparent in FIG. 14 of McGreggor et al., as discussed above. Therefore, the rejections under section 103 should be withdrawn.

Also, the Examiner's reference to user input device 22101 in FIG. 22 falls far short of any teaching that would have suggested generation of a color map based on converted coordinates and user preferences that are specified by a user independently of source and destination device profiles, as set forth in the claims. McGreggor et al. simply makes no mention of the specification of user preferences by a user via user input device 22101. Instead, McGreggor et al. merely notes that the disclosed system may have a keyboard. Col. 21, lines 41-46. Again, in view of this deficiency, the rejections under section 103 should be withdrawn.

Finally, the Examiner's reference to the user's ability to alter the luminance of an input color in McGreggor et al. is misplaced. The Examiner asserted that this feature corresponds to the selection of user preferences in the form of illuminant conditions. At Col. 33, lines 38-60, however, McGreggor et al. describes manipulation of input colors within a working color space. The alteration of luminance concerns the adjustment of the input color values, and not the specification of user preferences such as illuminant conditions.

It is important to understand that luminance and illuminant conditions are two entirely different things. Luminance, as used in McGreggor et al., refers to a value on one of the coordinate axes of the HLS (hue, luminance, saturation) color space. Illuminant conditions refer to viewing conditions for an image, i.e., the lighting under which a particular image is viewed by a human observer. An exemplary illuminant condition is D50. With this further misunderstanding, the rejections under section 103 should be withdrawn.

In view of the fundamental deficiencies clearly evident in McGreggor et al., Applicants respectfully reserve any comment concerning the teachings of Berlin et al. and Schwartz et al. Clearly, such references provide no teachings sufficient to bridge the gap between McGreggor et al. and the claimed invention.

Rejection for Obviousness-type Double Patenting

The Examiner also rejected claims 25, 32-33, 38 and 41 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 10, 13, 18, 37, 41, 45-47 of commonly owned U.S. Patent No. 6,088,038. Applicants respectfully traverse this rejection.

Applicants respectfully submit that the Examiner has not established a prima facie case of obviousness-type double patenting. To support an obviousness-type double patenting rejection, the Examiner must assess the differences between the claims in the pending application and the claims in the issued patent. In re Berg, 46 USPQ2d 1226, 1229 (Fed Cir. 1998). In particular, the Examiner should indicate why the claims in an application are obvious over the claims in the granted patent. Id.

In the Office Action, the Examiner merely stated that the application and patent claims are not patentably distinct "because claimed feature is just broadly claimed." The proper analysis is not whether features are broadly claimed, but whether such features would have been obvious in view of the claims set forth in the issued patent. Applicants respectfully submit that the pending claims, which relate to generation of a color map, would not have been obvious in view of the patent claims, which generally relate to retrieval, application and use of color maps and device links.

The rejection for obviousness-type double patenting should be withdrawn. If the Examiner chooses to maintain the obviousness-type double patenting rejection, however, Applicants respectfully request clarification of the grounds of rejection.

All claims in this application are in condition for allowance. Applicants respectfully request reconsideration and prompt allowance of all pending claims. Please charge any additional fees or credit any overpayment to deposit account number 50-1778.

Date: 7-12-02

By: _____

SHUMAKER & SIEFFERT, P.A.
8425 Seasons Parkway, Suite 105
St. Paul, Minnesota 55125
Telephone: 651.735.1100
Facsimile: 651.735.1102

Name: Steven J. Shumaker
Reg. No.: 36,275